

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

| | | |
|-------------------------------------|---|--|
| JOSEPH DONALD GREENE, |) | |
| Plaintiff, |) | Civil Action No. 7:09-cv-00100 |
| |) | |
| v. |) | <u>ORDER</u> |
| |) | |
| JAMES PHIPPS, <u>et al.</u>, |) | By: Hon. James C. Turk |
| Defendants. |) | Senior United States District Judge |

In accordance with the memorandum opinion filed this day, it is hereby

ORDERED

that

1. Plaintiff's motion to proceed in forma pauperis (docket #3) is **GRANTED** to the extent he may file this action without complete prepayment of fees, pursuant to the Prison Litigation Reform Act;
2. The Clerk is directed to forward a copy of the plaintiff's signed consent to withholding form to the Trust Accounts Officer at plaintiff's current place of confinement;
3. The collection of the \$350.00 filing fee shall commence. The Trust Accounts Officer at plaintiff's current place of confinement, and at all subsequent places of confinement/incarceration is hereby authorized to collect the fees as agreed to by the plaintiff on the signed consent form, and to remit such fees in accordance with the Prison Litigation Reform Act of 1995, as enacted by Congress on April 26, 1996. The trust officer at plaintiff's present institution is requested to place the signed consent to withholding form in the plaintiff's file so that it might accompany the inmate in the event of his transfer. Should the inmate be transferred to another institution, the balance due for the civil action will be inserted in inmate's file so that the appropriate officer at the

next institution will remit the monies owed to the Clerk, P. O. Box 1234, Roanoke, VA 24006;

4. Plaintiff's joinder of Rudolph Gregory, Jane Doe Lewis, John Doc Redden, Anita Long, G.K. Washington, Anita Bryant, Gloria Robinson, Nicholson Broughton, Elizabeth Lane, Alton Baskerville, Marcia Seay, John Doe Blackwell, Samuel Pruett, R. Jamison, Douglas Gourdine, and V. Menefee, and their corresponding claims, violate Rules 8 and 12 of the Federal Rules of Civil Procedure, and thus, the claims against these defendants are **DISMISSED without prejudice for improper joinder** and these parties are **TERMINATED** as defendants to this action, pursuant to Rule 21 of the Federal Rules of Civil Procedure;
5. Plaintiff's claims against Judge Joshai Showalter; Clerk Erica Williams; Judge Thomas Warren; the judges of the Supreme Court of Virginia; the judges of the Court of Appeals of Virginia; Raphael Benedict Hartley, III, Esq.; Christopher Tuck, Esq.; Sandra Wright, Esq.; and John Doe, Esq. are **DISMISSED as frivolous**;
6. Plaintiff's claims against Sheriff Whitt are **DISMISSED as frivolous**;
7. Plaintiff's claims against Deputy John Doe Smith are **DISMISSED for failing to state a claim upon which relief may be granted**;
8. Plaintiff's claims against the County of Montgomery, the Montgomery County Board of Supervisors, Robert F. McDonnell, and Bill Mimms are **DISMISSED as frivolous**;
9. Robert Beasley is **TERMINATED** as a defendant in this action;
10. Plaintiff's defamation claims against Marian Kelley are **DISMISSED without prejudice as frivolous**;

11. Plaintiff's conspiracy claims are **DISMISSED for failing to state a claim upon which relief may be granted;**
12. Plaintiff's malicious prosecution claim against Bradley Finch is **DISMISSED without prejudice as frivolous;**
13. Plaintiff's remaining claims against Bradley Finch are **DISMISSED as frivolous;**
14. Plaintiff's claims against James Phipps are **DISMISSED as frivolous;**
15. All pending motions are **DENIED as moot;** and
16. The case is **STRICKEN** from the active docket of the court.

The Clerk shall send a copy of this order and the accompanying memorandum opinion to the plaintiff.

Enter: This 24th day of September, 2009.


Senior United States District Judge